

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAR 21 2019

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In re: FRANK MILFORD PECK.

No. 18-73387

FRANK MILFORD PECK,

D.C. No.
2:17-cv-01620-JAD-VCF
District of Nevada,
Las Vegas

Petitioner,

v.

ORDER

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA, LAS
VEGAS,

Respondent,

BRIAN WILLIAMS, Warden; ATTORNEY
GENERAL FOR THE STATE OF
NEVADA,

Real Parties in Interest.

Before: SILVERMAN, TALLMAN, and MURGUIA, Circuit Judges.

Petitioner has not demonstrated that this case warrants the intervention of this court by means of the extraordinary remedy of mandamus. *See Bauman v. U.S. Dist. Court*, 557 F.2d 650 (9th Cir. 1977). Accordingly, the petition is denied.

To the extent that petitioner seeks to compel the district court to act on his amended habeas petition brought under 28 U.S.C. § 2254, the petition is denied without prejudice to the filing of a new petition if the district court has not acted on

petitioner's amended § 2254 petition within 30 days.

The motion to proceed in forma pauperis (Docket Entry No. 2) is denied as moot.

DENIED.